

Remarks

Claims 72 – 74, 77 – 80, 84, 87 – 95, 97, 103, and 106 – 114 are pending. Claims 72 – 74, 77 – 80, 84, 87 – 95, 97, 103, and 106 – 114 are presently rejected. Applicants respectfully submit that this Response is responsive. Reconsideration of the claims in view of the following remarks is respectfully requested.

35 U.S.C. §102 Rejection

Claims 72 – 74, 77 – 79, 103, 106, and 107 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. 09-047550, (“Ugawa”).

Claim 72 is directed to a gaming console for playing a base game. A display of the console, in response to a random event related to a bet amount placed, periodically displays a visual character to communicate information.

In rejecting claim 72, pages 3 and 4 of the Action indicate

Ugawa discloses the character [that] appears to provide information as to the dispensing or controlling of a prize, such that the predictive information is associated with a prize winning jackpot or outcome that'll eventually hit in subsequent games. Ugawa discloses the character [that] appears at least to delivery [the] predictive information regarding a big hit or big jackpot, such that the occurrence of the character appears to be independent of the specific outcome of the game being played, but rather the character appears randomly based on a trigger signal through “WC RND RCH” of the flowchart shown in at least figure 26 (paragraph 0033 discloses when the value of the variable “WC RND RCH” is under 10, the superposition of the character on the game screen is started). The triggering of the appearance of the character is clearly associated with a function or feature selected from a plurality of functions or features associated with the game console (i.e. triggering is random, which is one feature of many available on the game console, where another feature is the spinning of the reels; “feature or function” in the context of the claim appears broad).

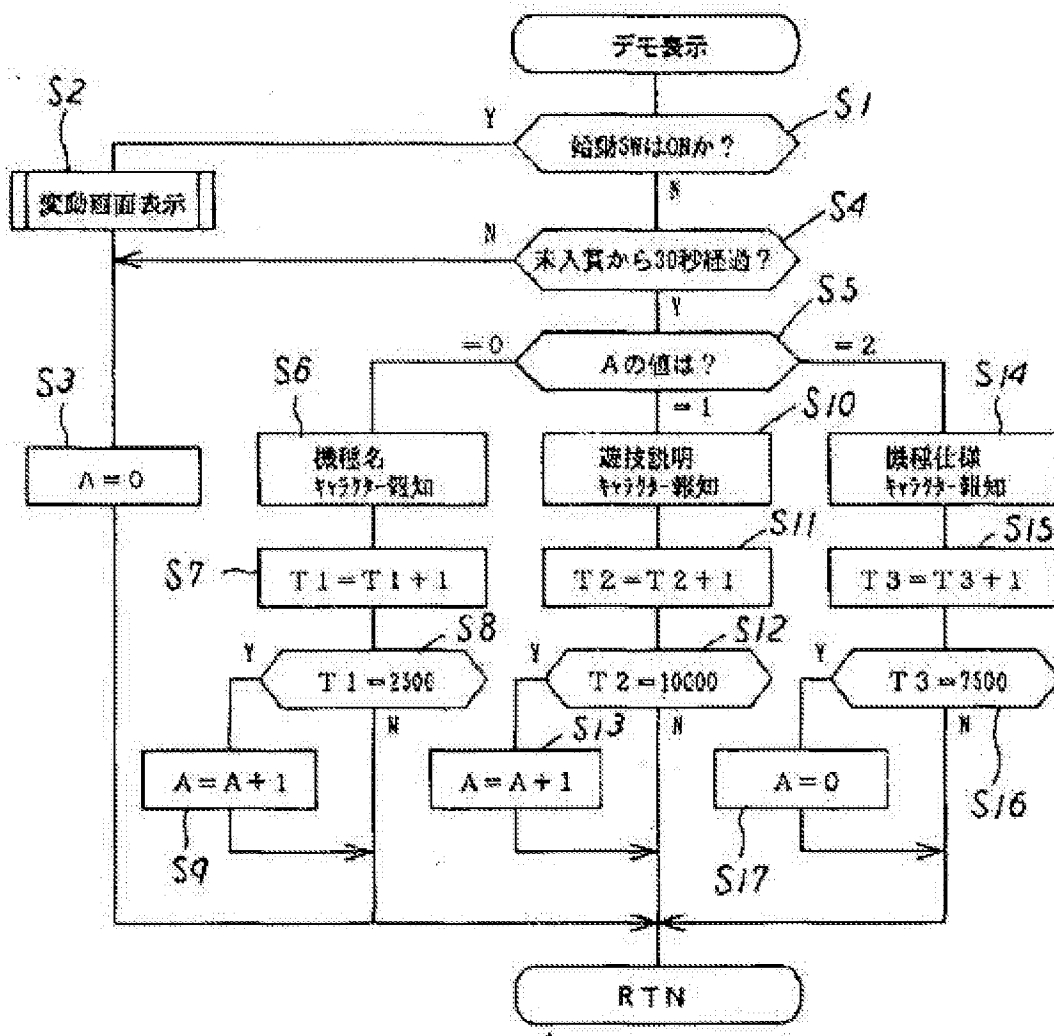
Applicants respectfully disagree with the interpretation of Ugawa. The term WC RND RCH is a random number designed for actuation fluctuation. Once the random number has been generated, WC RND RCH remains fixed. Nowhere does Ugawa mention that WC RND RCH is a variable. See paragraph 0020.

Furthermore, Applicants recite paragraph 0033 (according to the machine translation of Ugawa provided by the Office) as follows:

Next, image control and the concrete image of the character information which the CRT display machine 33 displays are explained with reference to the flow chart and explanatory view which are shown in drawing 26 thru/or drawing 44. In addition, the following explanation indicates for convenience the whole display screen of trichotomy specially changed to the pattern displays 33a-33c as 33d of adjustable displays. First, control of the demonstration display by character information is explained based on the flow chart of drawing 26. In drawing 26, A=0 is set, whether the starting ball detector 7 (in drawing 26, it is indicated as Starting SW) of adjustable winning-a-prize ball equipment 4 usually turned on, when it distinguishes the existence of fluctuation of a pattern specially (S1) and there is pattern fluctuation, namely, after processing the fluctuation screen display explained in full detail behind (S2) (S3). On the other hand, while shifting to said S3 when there is no pattern fluctuation S1, it next usually distinguishes whether 30 seconds passed from the point in time of not winning-a-prize of adjustable winning-a-prize ball equipment 4 and (S4) and 30 seconds have not passed, the value of A is distinguished when 30 seconds have passed (S5). In S5, when the value of A is "0", character information of a model name is 'performed by displaying the character 71 which had the panel of a model name as shown in drawing 37 (A) on 33d of adjustable displays (S6). It distinguishes whether after that, "1" was added to the counter T1 (S7), and then the counter T1 reached "2500" (S8). When the counter T1 has not reached "2500" by S8, while returning to the Maine flow as it is, when a counter T1 reaches "2500", addition, A= 1 [i.e.,], is set to A, and "1" is returned to (S9) Maine flow at it. In addition, it takes 0.002 seconds that the program of the Maine flow takes a round. Therefore, the expiration time amount of the counter T1 of Ssaid [sic] 8 becomes 5 seconds (= 2500x0.002 (second)), and these 5 seconds become the character information time amount of said model name of S6.

Applicants also show Figure 26 as follows.

【図26】



As can be seen above with respect to Figure 26 and paragraph 0033, Ugawa does not discuss random appearance of the character, as asserted by the Examiner. Nor does it mention the random appearance is based on a trigger signal through WC RND RCH.

Applicants respectfully submit that the Examiner has the initial burden of establishing a prima facie case of anticipation by pointing out where all of the claim limitations appear in a single reference. See *In re Spada*, 911 F.2d 705, 709, 15 USPQ2d 1655 (Fed. Cir. 1990). *In re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

It is clear that a proper prima facie case of anticipation has not been established, Applicants are under no obligation to submit further evidence of non-anticipation.

Applicants also respectfully submit that Ugawa does not anticipate presently amended claim 72, nor does it render presently amended claim 72 obvious.

Independent claim 72 and claims 73 – 75, 77 – 79, 102, 103, 106, 107 depend from claim 72 therefore include patentable subject matter, and are allowable for at least the same reasons set forth above.

35 U.S.C. §103 Rejection

Claims 80, 84, 87 – 95, 97, and 108 – 114 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ugawa.

As discussed above, claim 72 is allowable.

Claims 80, 84, 87 – 95, 97, and 108 – 114 depend from claim 72. Therefore, claims 80, 84, 87 – 95, 97, and 108 – 114 are also allowable for at least the same reasons as set forth above with respect to claim 72.

Conclusion

Applicants respectfully submit that the remaining pending claims are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicants' Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation.

Respectfully submitted,

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/Larry M. Jarvis/
Larry M. Jarvis
Reg. No. 27,341

McAndrews, Held & Malloy, Ltd.
500 W. Madison Street
34th Floor
Chicago, IL 60661
Phone (312) 775-8000
Fax (312) 775-8100